SLAVERY IN THE TERRITORIES.

SPEECH

OF

HON. HIRAM WARNER, OF GEORGIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 1, 1856,

On the Power of the General Government to exclude Slave Property from the Territories.

The House being in the Committee of the Whole, and having under consideration the President's Annual Message,

Mr. WARNER said:

Mr. CHAIRMAN: The gentleman from Indiana, [Mr. BRENTON,] who last addressed the committee upon the subject of the President's message, thought proper to arraign that officer before the country, for calling the attention of the people of the non-slaveholding States to their *constitutional* obligations, in regard to the institution of slavery as it exists in the United States. Before final judgment shall be rendered upon that arraignment, it may be proper to inquire, whether there existed any necessity, any occasion, for the discharge of that high and responsible duty, on the part of the Chief Magistrate of the Union? Has there been formed, in any portion of this Confederacy, a *sectional* political organization, for the purpose of depriving the people of the slaveholding States of rights solemnly guarantied to them by the Constitution?

Passing by, for the present, the repeated attempts that have been made in some of the free States to nullify the fugitive slave law, what, sir, have we witnessed in this Hall in regard to such a sectional political organization? When we first assembled here for the purpose of effecting an organization of this House, the senior member from Ohio [Mr. GIDDINGS] declared the line of policy that should govern him and his political friends in that organization: that line of policy was declared to be, to invoke the power of this Government for the purpose of excluding slave property from the common territory of the Union. The distinguished gentleman from Massachusetts was put in nomination for the Speaker's chair, to carry into practical effect that declared line of policy; and during the nine weeks' struggle which ensued here, that distinguished gentleman—for the purpose of uniting the support of his political friends—declared, in his place, that he was in favor of protecting the property of southern men as well as northern men in the common territory of the Union: that is to say, all such property as is recognized as property by the universal law of nations, but that property in slaves was not so recognized by that universal law; therefore, was not entitled to be protected in that common territory; that slavery existed in the States by force of positive law; and that whenever the owner of that property took it beyond the territorial limits of such State, it ceased to be entitled to protection as property. With these declared opinions, the result of that protracted contest is well known to this House and to the country.

Those who invoke the power of this Government to exclude slavery from the common territory, give as a reason therefor, that they are in favor of liberty; that they are in favor of the extension of liberty. I, too, sir, am in favor of liberty, and am in favor of the extension of liberty; but it is not that wild, unbridled, licentious, *higher-law liberty*, that whetted the guillotine and deluged the streets of revolutionary France with blood; but it is *that* liberty which brings healing on its wings; it is American liberty; it is *constitutional* liberty; which protects the citizen in the enjoyment of all his civil and religious rights, and his rights of property; *that* liberty, sir, which the fathers of the Republic intended to secure and perpetuate, not only for themselves but their posterity, when they sealed the bond of union between the States of this Confederacy. It is the fundamental principles of *that* American liberty, of *that* constitutional liberty, which I propose to discuss to-day; and I shall endeavor to maintain and to demonstrate that, in accordance with those fundamental principles, my constituents have both the legal and equitable right to take their slave property into the common territory of this Union, to have it protected there; and that this Government has no power under the Constitution to deprive them of that right.

It will be recollected that the Federal Constitution was not established to create *new* rights, but to secure and protect *existing rights*. Hence it is material to inquire, what were the rights of the people of the slaveholding States in regard to their slave property, before and at the time of the

adoption of that Constitution? I shall maintain, and undertake to establish, that the title of my constituents to their slave property is not based upon any *positive* law of the State, but that it rests for its foundation upon the universal law of nations, which recognized slaves as *property*, before and at the time of the adoption of the Constitution. That before and at the time of the adoption of the Constitution, the citizens of the State of Georgia—the same being a sovereign, independent State—had the undoubted right, according to the well-established principles of international law, to take their slave property into any foreign territory: provided there was no law in that foreign territory *prohibiting* its introduction there, and to have it protected in such foreign territory; that the law of nations was adopted as a part of the common law in the original thirteen States, constituting a part of the law of the land before and at the time of the adoption of the Federal Constitution.

It has been asserted here and elsewhere that slavery exists in the States by force of *positive* law: and that whenever the owner takes his slave property beyond the territorial limits of such State, his title to that property ceases to be valid and operative for the protection of that property. I controvert this assumed proposition. There is no statute in the State of Georgia, either colonial or since the adoption of her State constitution, which declares that slaves shall be *property* within the territorial limits of that State; and, so far as I know or believe, there is not such a statute in a single slaveholding State in this Union, constituting the *original basis* and foundation of title to slave property. We have many statutes which regulate the institution of slavery—statutes which confer privileges upon the slave—statutes which regulate the conduct of the master towards his slave, and which *recognize* slaves as property—but no statute declaring that slaves shall be *property* within the territorial limits of the State. And when we come to look into the history of this thing, it would be remarkable, indeed, if any such statute had ever existed. Have you any statutes in the non-slaveholding States which declare that your ships, your merchandise, your looms, and your spindles shall be property within the territorial limits of your respective States? I apprehend not; a fortiori have we any statutes in the slaveholding States, declaring that slaves shall be property within the territorial limits thereof. The truth is, that title to slave property in the slaveholding States rests upon the same foundation as title to any other species of property, to wit: the universal law of nations. Those who assert that slavery exists in the States by force of *positive* law can, if that assertion be true, very easily settle the question by the production of the declared will of the supreme power of such States, embodied in the form of a legislative enactment; produce the evidence of that positive law in a legitimate and authentic form, to sustain the truth of the assertion. Those who assert the affirmative of that proposition, are bound to furnish the evidence of that positive law enacted by the States, or yield the point. They content themselves with relying on the loose declarations of judges in the slaveholding States; the mere *obiter dictum* of judges, (in cases in which the question we are discussing was not presented by the record for their consideration and judgment,) as the evidence of positive law enacted by the supreme power in the States declaring that slaves shall be property within the territorial limits of the respective States.

The question very naturally presents itself, if those who assert that slavery exists in the States by force of positive law, and that when the owner of slave property takes it beyond the territorial limits of his State, his title to that property ceases and determines, why is it that they desire to invoke the power of the Federal Government to exclude slave property from the Territories? Such an act would be entirely unnecessary, if the title of the owner ceases and determines when he passes with his slave property beyond the limits of the States, where it is asserted his title exists by force of positive law. The fact that you desire to invoke the power of this Government to enact a law to exclude slave property from the common territory, furnishes strong evidence that you have not entire confidence in the position assumed and asserted, that slavery exists in the States by force of positive law, and that the owner loses his title to his slave property by taking it beyond the limits of such States.

I beg leave to call the attention of the House to the history of the title of my constituents to their slave property. What I shall say in regard to that title in Georgia will be equally applicable to the other slaveholding States, so far as the foundation of that title is concerned. The colony of Georgia was originally settled as a free colony; that is to say, African slavery was prohibited from being introduced there by the charter granted to the trustees. It remained a free colony about fifteen years after its first settlement: the soil and climate were adapted to slave labor: the colonists desired to have it, but the home Government refused to repeal the prohibition. The result was, that the colony was about to come to nothing. The prohibition was taken off, and African slaves were allowed to be brought into the colony. Some few were brought in from the other slaveholding colonies, but the most of them were brought in by those who were engaged in the African slave trade; and *who they were*, the past history of the country furnishes abundant evidence. African slaves were brought into this colony as property; they were made property before they were brought there; they were sold to our people as property, purchased by them as property, paid for by them as property, held by them as property, precisely upon the same footing as they held every other species of property.

Were those from whom my constituents originally purchased their slave property engaged in a lawful trade—in a trade recognized as lawful by the universal law of nations? This question came before the courts of Great Britain in the year 1817. A French vessel called Le Louis was engaged in the African slave trade, and was captured by a British cruiser. France at that time not having entered into treaty stipulations abolishing that trade, the vessel was taken into a British port, and condemned by the vice admiralty court as lawful prize for being engaged in a trade forbidden by the universal law of nations, and therefore criminal by that law. From the judgment of the vice admiralty court an appeal was taken to the higher court of admiralty of

Great Britain. The appellate court reversed the judgment of the vice admiralty court, and held that the African slave trade was not unlawful by the universal law of nations, and was not criminal by that law, which recognized property in African slaves. The judgment of the high court of admiralty was delivered by Lord Stowell, better known as Sir William Scott; and I beg leave to read to the House a portion of that judgment. Speaking of the African slave trade, the learned judge said:

"Let me not be misunderstood or misrepresented as a professed apologist for this practice, when I state facts which no man can deny—that personal slavery arising out of forcible captivity is coeval with the earliest periods of the history of mankind—that it is found existing and, as appears, without animadversion, in the earliest and most authentic records of the human race—that it is recognized by the codes of the most polished nations of antiquity—that, under the light of Christianity itself, the possession of persons so acquired has been in every civilized country *since established with the character of property, and secured as such by all the protections of law*—that solemn treaties have been framed, and national monopolies eagerly sought to facilitate and extend the commerce in this asserted property—and all this, with all the sanctions of law, public and municipal, and without any opposition, except the protests of a few private moralists, little heard and less attended to in every country, till within these very few years in this particular country. What is the doctrine of our courts or the law of nations relatively to those nations which adhere to the practice of carrying on the African slave trade? Why that their practice is to be respected; that their slaves, if taken, are to be restored to them; and, if not taken under innocent mistake, to be restored with costs and damages. All this surely, upon the ground that such conduct on the part of any State is no departure from the laws of nations. The notorious fact is, that in the dominions of this country, and others, many thousands of persons are held as *legal property*, they and their posterity, upon no other original title than that which I am now called upon to pronounce a crime—every one of these instances attended with all the aggravations that appertain to the long continuation of crime, if crime it be; and yet *protected by law with all the securities that can be given to property in its most respected forms.*"—*21 Dodson's Admiralty Reports*, pp. 259-271-2.

In Madrazo *vs.* Willis, (5th Eng. Com. Law Reports, page 315,) the same doctrine is fully recognized by the Court of King's Bench. Bayly, J., in delivering his judgment in that case, said, speaking of the African slave trade—

"It is true that, if this were a trade contrary to the law of nations, a foreigner could not maintain this action. But it is not; and, as a Spaniard cannot be considered as bound by the acts of the British Legislature prohibiting this trade, it would be unjust to deprive him of a remedy for the wrong which he has sustained. He had a *legal property* in the slaves of which he has, by the defendant's act, been deprived."

Best, J., after citing several authorities, says:

"It is clear, from these authorities, that the slave trade is not condemned by the general law of nations."

In the case of the Antelope, reported in 10th Wheaton, page 121, Chief Justice Marshall, speaking of the legality of the slave trade, says:

"Both Europe and America embarked in it, and for nearly two centuries it was carried on without opposition and without censure. A jurist could not say that a practice thus supported was illegal, and those engaged in it might be punished either personally, or by *depriving them of property*."

But I have still higher authority in favor of the legality of the African slave trade—and that is, the Federal Constitution. The African slave trade was not only recognized as lawful by that Constitution, but it expressly stipulates for its continuance for twenty years, and provides that each slave who might be imported into the States should be taxed not exceeding ten dollars per head.

Mr. GIDDINGS. Will the gentleman permit me to propound a question to him?

Mr. WARNER. Oh yes, certainly.

Mr GIDDINGS. I would inquire whether the gentleman holds that those American Christians who were captured and held to slavery, and who were transferred from owner to owner, by the Algerines, in the latter part of the last and the first part of the present century, were property?

Mr. WARNER. I am not discussing the question of Algerine slavery—I am discussing the question of African slavery, as recognized by the Constitution.

Mr. GIDDINGS. Does the gentleman acknowledge that those Americans captured and held by the Algerines were property?

Mr. WARNER. I do not make any such admission, nor is it necessary that I should do so, for the purposes of my argument.

Mr. GIDDINGS. That is what I want an answer to.

Mr. WARNER. I have not referred to the Americans who were captured by the Algerines. I am discussing the question of African slavery as it exists in the United States.

Mr. GIDDINGS. Africans can be held by Americans as slave property.

Mr. WARNER. They were recognized as *property* by the universal law of nations before, and at the time of the adoption of, the Constitution, and are now held as property under the sanction and guarantee of that instrument.

Mr. GIDDINGS. Are Americans property when held by Africans as slaves?

Mr. WARNER. I do not recollect at this time such a state of things as the gentleman from Ohio supposes.

Mr. GIDDINGS. I commend the gentleman to the history of the country.

Mr. WARNER. I will not allow the gentleman to *make a case* for me to discuss. I am discussing questions which arise under the laws and Constitution of *this* country; and in return for his admonitory counsel would heartily commend him to the Constitution of *his* country, and the *obligations* which it imposes.

Mr. Chairman, when interrupted by the gentleman from Ohio, I was endeavoring to demonstrate that property in slaves was recognized by the universal law of nations before, and long since the adoption of the Constitution, and that my constituents originally purchased their slave property from those who were engaged in a *lawful* trade, and recognized to be lawful by the universal law of nations, as it existed before, and at the time of the adoption of, the Constitution, and not upon any positive law of the State.

I am not ignorant, sir, that long since the adoption of the Constitution, and long since the title of my constituents to their slave property accrued, the United States, the most of the independent nations of the world, have entered into treaty stipulations, abolishing the African slave trade; but those treaty stipulations were not intended, and could not have the effect, to divest rights to slave property which had accrued and vested prior thereto, and which were recognized by the Constitution as lawful and valid. After

the Revolution, as we all know, the colonies became independent States. The State of Georgia had as perfect and complete jurisdiction over all persons and property within her territorial limits, as any sovereign State or nation on the face of the earth; she owed allegiance to no other Power or Government. The commission issued by that State to her delegates to frame the Federal Constitution states her true character at that time. That commission is headed with these memorable words: "The State of Georgia, by the grace of God, *free, sovereign, and independent.*"

Now, sir, let us inquire what rights the people of that independent State had, in relation to taking their slave property into any foreign territory, and to have that property protected there by the universal law of nations before and at the time of the adoption of the Constitution?

I maintain, sir, that a citizen of Georgia had, according to the fundamental principles of international law, the undoubted right to take his slave property into any other foreign territory where the introduction of such property was not prohibited by some positive law operative in that foreign territory, declaring it to be against the policy, or prejudicial to the interests of the Government having jurisdiction over that territory; and to have such property protected in that foreign territory. It is the undoubted right of every independent sovereign State or nation to declare by positive law, that the introduction of slave or any other property into the territory of such State or nation, shall be against its policy, or prejudicial to its interests. My position is, that in the absence of any such declaration as to what shall be its policy, or prejudicial to its interests in regard to the introduction of slave property, a citizen of the independent State of Georgia had the unquestioned right to take his slave property into foreign territory, violating no law of that foreign territory, and would be entitled to have that property protected there. Let us see what are the fundamental principles of international law regulating this question. Huberus, in discussing the conflict of laws between independent States and nations, in book first, section second, thus states the rule:

"Every nation from comity admits that the laws of each nation of force within its own territorial limits, ought to be in force in all other nations, without injury to their respective powers and rights."

This great fundamental principle of international law has been fully recognized by the Supreme Court of the United States, as applicable to the States of this Confederacy, in the Bank of Augusta *vs.* Earle, 13th Peters, 589. Mr. Chief Justice Taney, in delivering the opinion of the court in that case, states the rule in these words:

"In the silence of any *positive* rule affirming, or denying, or restraining the operation of foreign laws, courts of justice presume the tacit adoption of them by their own Government, unless they are repugnant to its policy, or prejudicial to its interests. It is not the comity of the courts, but the comity of the nation which is administered and ascertained in the same way, and guided by the same reasoning by which all other principles of municipal law are ascertained and guided."

I have the authority of Mr. Webster upon this point, who, in his correspondence with Lord Ashburton, demanding satisfaction for slaves from the British Government, which had been taken into one of the Bahama Islands, and set free by the authorities of that place, combated the idea that a man's title to his slave property has no *extra territorial* operation, in the following strong and emphatic language. After referring to *local law* in respect to marriages, he continues:

"Did any one ever imagine that *local law* acted upon such marriages to annihilate their obligations, if the party should visit a country in which marriages must be celebrated in another form? It may be said, in such instances, personal relations are founded in contract, and, therefore, ought to be respected; but that the relation of master and slave is not founded in contract, and therefore is to be respected only by *the law of the place which recognizes it.* Whoever so reasons encounters the authority of the whole body of public law from Grotius down; because there are numerous instances in which the law itself presumes, or implies contracts; and prominent among these instances is the very relation which we are considering, and which relation is holden to draw after it mutuality of obligation."—*Correspondence in the Creole case, Senate document, Twenty-Seventh Congress*, vol. 1, p. 119.

Mr. Nathan Dane, whose authority I know will not be questioned in the free States, in the sixth volume of Dane's Abridgement, p. 430, speaking of the law of nations, says:

"In the United States, as in England, the law of nations is adopted in its full extent by the common law, and is held to be a *part of the law of the land.*"

In Madrazo *vs.* Willis, (5th Eng. Com. Law Rep., 313,) these fundamental principles of international law were practically applied to slave property by the court of King's Bench in Great Britain, in the year 1820. The question arose upon the following state of facts: A Spanish subject being engaged in the African slave trade, (Spain not having entered into treaty stipulations abolishing that trade) had purchased three hundred slaves on the coast of Africa, and had them on board his vessel on her return voyage, when she was captured by a British cruiser, and taken into one of the ports of Great Britain, where the slaves, by the law of that kingdom, became free. The Spaniard brought his action of trover in the courts of Great Britain against the captain of the British cruiser to recover the value of his vessel and stores, and the value of his three hundred slaves. On the trial before the Lord Chief Justice, he doubted whether, in a British court, the plaintiff could maintain his action for the value of his three hundred slaves, and directed the jury to find the damages separately: so much for the vessel and stores, and so much for the three hundred slaves—the latter constituting much the largest item.

On the question being submitted to a full bench of judges, they were unanimously of the opinion that the plaintiff was entitled to recover the full value of his three hundred slaves, as well as the value of his vessel and stores, and awarded judgment therefor: recognizing the validity of the Spaniard's title to his slave property, which was good by the laws of his nation, in a British court. The slaves were not taken by the Spaniard into the kingdom of Great Britain, in violation of her laws, but were seized upon the great highway of nations, upon the empire of the seas, upon *common ground*, where the Spaniard had as much right to be with his property as the Englishman; and the principle would have applied with equal force if the slaves had been seized upon common territory, the joint property of Great Britain and Spain. The same principle is applicable to the common territory of the Union, which is common ground, being the joint property

of all the States, where the citizen of Georgia has as much right to be with his slave property as the citizen of Ohio has to be there with his property—neither violating any law of that territory by going into it with their property. When the citizen of an independent State, who has a title to his property good and valid by the laws of that State—and I have shown that slaves were recognized as property by the universal law of nations, and that no law of nations was a part of the common law—goes into foreign territory with that propriy, violating no law of that territory, these great fundamental principles of international law go with him; they are above him and around him; he inhales them in the very atmosphere which he breathes; they protect his person and his property; he cannot escape their binding influence unless, indeed, he goes beyond the pale of civilization, and there the principles of international law cease to operate.

Mr. SANDIDGE. Allow me to recall to the mind of the gentleman from Georgia a case precisely in point, to establish that which he is trying to establish before the committee. It is this: I noticed it in the newspapers some time last year. A gentleman from Brazil went to Prussia, carrying with him a slave. It was there attempted to deprive him of the services of that slave; and the highest tribunal of that country decided—according to the argument of the gentleman from Georgia—that his owner was entitled to him; that the matter should be decided according to the laws of the country from which the party came, and that he should have the right to hold his slave, and to carry him with him from the country at his pleasure. The gentleman from Georgia may have seen a notice of the case.

Mr. WARNER. I do not recollect having seen it, but I have no doubt that that is the correct principle; I have no doubt that it is in consonance with the universal law of nations—with the great principles of international law. It existed in this country, and was a part of the law of the land at the time the State of Georgia and the other States entered into the constitutional compact.

I have endeavored to establish the proposition, that, before and at the time of the adoption of the Constitution, the citizens of the independent State of Georgia had the right, according to the well-established principles of international law, (which constituted a part of the law of the land,) to take their slave property into any foreign territory where its introduction was not prohibited, and to have it protected there. I have endeavored to show what were the fundamental rights of the people of that State to their slave property before and at the time of the adoption of the Federal Constitution.

The next question to be considered is, whether that State has delegated the power in the Constitution to this Government to deprive her of those fundamental rights? Has she delegated the power in the Constitution to this Government to deprive her of the fundamental right which she had as an independent State to take her slave property into the common territory of the Union, there being no law in that territory which would be violated by doing so? It is contended that this Government has that power by the clause which declares that—

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

The grant of power in this clause is in regard to the Territory as *property*. Congress has power to dispose of it as property, as well as any other property belonging to the United States; may make "all needful rules and regulations respecting the Territory" considered as *property;* but who can believe that it was the intention of the framers of the Constitution to delegate those great inherent rights of property which I have been discussing to-day by this clause of the Constitution? But suppose we are mistaken in this view of it, and that it was intended by this clause to delegate the power to the Federal Government to deprive the people of the States of the right to control their property, then the latter portion of the clause forbids you to exercise it so as to prejudice the claim of any *particular State;* and to exclude slave property would be not only to prejudice the claims of one State, but the claims of fifteen States of this Union; for the common territory being the joint property of all the States, the slaveholding States claim an equal right to enjoy it with their property; and if you exercise the power to exclude them with their property, you *prejudice their claims* to that extent, which you are forbid to do. The principles of equality are indelibly stamped on the face of the Constitution. There is one clause in the Constitution which declares that—

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

This principle applies with much stronger force when applied to the common territory, which is the joint property of all the States. Surely the citizens of each State ought, upon principle, to be entitled to the same privileges and immunities in the common territory of all the States as they would in the States. No, sir, the framers of the Constitution never contemplated for one moment, that they had delegated the power in this clause to Congress to deprive them of those great fundamental rights which belonged to them in respect to their property; but, on the contrary, the delegates from the southern States refused to enter into the compact until it was expressly stipulated that, if their slave property should escape and get into the free States, they should be surrendered up.

The ordinance of 1787 has sometimes been relied on as conferring the power on Congress to exclude slavery from the Territories; but it will be recollected that ordinance was adopted *prior* to the formation of the Constitution. That was a compact between sovereign States, having the undoubted right to make it: and five free States have been formed out of the Northwest Territory ceded by Virginia, which, but for that generous cession, would have been a slave territory. The rights secured by the Constitution are wholly independent of that ordinance, and have no necessary connection with it. Those great fundamental rights which I have been discussing belonged to the people of the States before and at the time of the adoption of the Constitution. They entered into, and constituted an essential element of their title to their slave property, part and parcel of it; and, not having delegated them in the Constitution,

they have them now; and it is by virtue of those *pre-existing* rights which are solemnly guarantied by the Constitution, that my constituents claim to be entitled to take their slave property into the common territory, and to have it protected there.

The States are the original source of power: the Federal Government has no power except that which has been delegated to it by the States in the Constitution: and the States have now, as declared by the Supreme Court of the United States, in New York *vs.* Miln, 11 Peters, p. 138—

"The same undeniable and unlimited jurisdiction over all persons and things within their territorial limits as any foreign nation where that jurisdiction is not surrendered or restrained by the Constitution of the United States."

But, sir, independent of their legal right, my constituents have the equitable right to take their slave property into the common territory of the Union. That territory is the joint property of all the States, slaveholding as well as non-slaveholding. There are but two ways in which property can honestly be acquired in this country: the one is by labor and industry; the other by inheritance or bequest. A citizen of Georgia by his labor and industry acquires capital—money—a citizen of Ohio by his labor and industry does the same thing: the citizen of Georgia vests the proceeds of his labor in slave property—the citizen of Ohio vests his in merchandise, or stock, or in whatever he may choose to invest. They both desire to emigrate to the common territory with the proceeds of their labor: and we will suppose that this Government shall, by a usurpation of authority, pass a law excluding slave property from that common territory. The citizen of Georgia and the citizen of Ohio meet upon the border of that territory. The citizen of Ohio is told that he can pass into that common territory with the proceeds of his labor and industry and enjoy it; but the citizen of Georgia is told that he cannot go into that common territory and enjoy the benefit of his labor and industry. "Why," he inquires, "have not I obtained my property as honestly and fairly as the citizen of Ohio who has just gone in; and am I not as much entitled to enjoy the benefit of that common territory as he is?" "Certainly you are, but your property is of a *different species*, and, therefore, you must keep out." Is that equality, or justice, between citizens entitled to equal privileges, and equal rights, under a common Government? Can any Government that shall pursue such a course of policy maintain the confidence of the people?

But, sir, we have been told by those who advocate this line of policy, that they do not desire to interfere with slavery in the States where it exists; and yet it is their intention to prevent the extension of slavery, by excluding it from the common territory—to surround the slave States "with a cordon of free territory, and compel slavery, like a scorpion, to sting itself to death!" Now it matters but little with me, whether a man takes my property outright, or restricts me in the enjoyment of it, so as to render it of but little or no value to me. It is an interference with my rights in either case: the interference is one of degree only. Any restraint upon the use and enjoyment of my property in as full and ample manner as I might otherwise do, but for the restriction, is an interference with it. There is not a slaveholder in this House or out of it, but who knows perfectly well that, whenever slavery is confined within certain special limits, its future existence is doomed: it is only a question of time as to its final destruction. You may take any single slaveholding county in the southern States, in which the great staples of cotton and sugar are cultivated to any extent, and confine the present slave population within the limits of that county. Such is the rapid, natural increase of the slaves, and the rapid exhaustion of the soil in the cultivation of those crops, (which add so much to the commercial wealth of the country,) that in a few years it would be impossible to support them within the limits of each county. Both master and slave would be *starved out;* and what would be the practical effect in any one county, the same result would happen to all the slaveholding States. Slavery cannot be confined within certain specified limits without producing the destruction of both master and slave. It requires fresh lands, plenty of wood and water, not only for the comfort and happiness of the slave, but for the benefit of the owner. We understand perfectly well the practical effect of the proposed restriction upon our rights, and to what extent it interferes with slavery in the States; and we also understand the *object* and *purpose* of that interference. If the slaveholding States should ever be so regardless of their rights, and their honor, as coequal States, to be willing to submit to this proposed restriction, for the sake of harmony and peace, they could not do it. There is a great, overruling, practical necessity which would prevent it. They ought not to submit to it upon *principle* if they could, and could not if they would.

It is in view of these things, sir, that the people of Georgia have assembled in convention, and solemnly resolved that, if Congress shall pass a law excluding them from the common territory with their slave property, they will disrupt the ties that bind them to the Union. This position has not been taken by way of threat or menace. Georgia never *threatens*, but Georgia always *acts*, whenever it is necessary and proper for her to act for the protection of her constitutional rights and the rights of her people. She will not act hastily or rashly, but not the less *firmly* on that account. She intends to place herself right in the face of the world in regard to this question. She has delegated me, in conjunction with my abler and more experienced colleagues, to make known her rights here, and to proclaim them to the American people. She desires to maintain those rights *within* the Constitution, and for that purpose invokes the support of the friends of the Constitution in every portion of the country, in order that those rights may be respected and observed. I have endeavored to press it those rights to the consideration of this House to-day in good temper, and as becomes the Representative of one of the old thirteen States of this Confederacy.

I concur in the sentiment uttered by the senior member from Ohio, [Mr. GIDDINGS,] that we should discuss principles here; and I will add, after we have discussed them, we should *regulate our conduct* by them, not only here, but everywhere. My constituents have no desire to force their institutions upon those who do not like them; all they ask is to be unmolested in the enjoyment of those rights which were guarantied

to them by the Constitution, not to be recognized as superior, nor as inferior, but simply as *equals* in this Confederacy.

But it has been said here, that the South acted in bad faith in consenting to the repeal of the Missouri compromise. What is the history of that compromise? That act was forced upon the South by the *aggressive* policy of the North. The Louisiana Territory was slave territory, and Missouri was formed out of that territory; the North resisted her admission into the Union, because slavery was recognized by her constitution; and, for the sake of peace and harmony, the South consented to the line of 36° 30′, north of which slavery should be excluded. The term *compromise* necessarily implies a surrender of legal rights for the purpose of settlement—a waiver of constitutional rights for that object: no more was ever intended by that act. The South always maintained that it was unconstitutional; but acquiesced in it solely upon the principle of compromise, with the understanding that it was to be applied to *all* the territory of the Union; and it was so applied at that time. Missouri was admitted as a slave State. Iowa, formed out of the Louisiana Territory, which was originally slave territory, has been admitted as a free State.

But how did the North regard this *sacred* compromise at the time, and since? On the 6th of March, 1820, the act was passed, authorizing the people of Missouri Territory to form a State constitution, by the eighth section of which act slavery was excluded north of 36° 30′. On the 2d of March, 1821, the House of Representatives passed a resolution providing for the admission of Missouri into the Union, by the proclamation of the President, upon certain conditions to be performed by the Legislature of that State, when nearly the whole body of northern Representatives voted against the resolution for her admission; and yet they now pretend to say that they have *sacredly* kept that *sacred* compact, when it was repudiated by their votes during the same session at which it was passed; and the contemporaneous history of that period shows that this same compromise, now so sacred in the estimation of many northern politicians, was condemned and denounced by the entire North.

The next territory that was acquired was Texas, which was also slave territory. The compromise line was extended through that Territory, the North appropriating all the slave territory north of 36° 30′ to freedom, as she did from the slave territory of Louisiana. The South, acting upon the understanding that the compromise line was to be applied to *all* the territory of the Union, carried out that understanding in good faith in regard to the slave territory of Texas.

The next territory which was acquired was from Mexico; that was free territory. The South was still willing to abide the compromise line, and extend it through to the Pacific; but the North refused—willing to abide it so long as slave territory could be appropriated to freedom, but when that compromise line was to inure to the benefit of the South, its binding obligation was denied and repudiated. Then it was that the South became released from all obligation to abide by that compromise, and was remitted to her original constitutional rights in respect to the common territory. It has been said that the South received the benefit of the admission of Missouri into the Union as a *slave* State. The reply is, that Iowa has been admitted into the Union as a *free* State, with this marked difference, however, that Missouri was originally slave territory, and Iowa which was originally slave territory, is now a free State. The South has gained nothing, and lost the State of Iowa as slave territory. The impartial historian will be at no loss to discover who it was that first repudiated the Missouri compromise in respect to the common territory of the Union.

After the Missouri compromise had been repudiated by the North in regard to the territory acquired from Mexico, the South voted for the Kansas-Nebraska bill, which contains the true principles of non-intervention by Congress with the question of slavery as it exists in the United States, in regard to the common territory of the Union—the true principles of the Constitution, which recognize the equal rights of the people of all the States to the enjoyment of that common territory. That act ought to be maintained, not only because it is right, just, and equal in its provisions to the people of all the States, but because it will have the effect to suppress agitation by demagogues, both North and South, of the question of slavery. To use a common expression, it will take the wind out of the sails of that class of politicians in both sections, who will be then unable to navigate in *still waters*. In the South that class of men claim to be the exclusive friends of slave institutions, and ask for a seat in Congress to protect that particular interest *exclusively*. In the North that class of men claim the support of the people, because they are the *exclusive opponents of the slavery aggressions of the South*, as they are pleased to represent themselves: and the result is, when they meet here the country is kept in a continual excitement, the legitimate business of the country neglected, that they may make political capital for themselves at home, in order to obtain place and power.

I do not intend to be understood, sir, as saying that there are any of that class of men here now from either section of the country, *the present company*, you know, sir, is always *excepted*. I am only speaking of what might happen, and probably will happen, if this question of slavery agitation be not withdrawn from this Hall, and referred to the people of the Territories, where it legitimately belongs, and where the Kansas-Nebraska act refers it. It is, sir, for maintaining the salutary provisions of this act, so essential for the peace and best interests of this great country, as well as the obligations imposed on him by the Constitution, that the President of the United States has been denounced as a *doughface*. Far better is it for him, sir, as a man, and for his reputation as an officer, that he should be denounced as a *doughface*, in maintaining the integrity of the Constitution of his country, than that he should have given cession to have been denounced as a *perjured traitor* to that Constitution which he had solemnly sworn to support and maintain in all its sacred provisions.

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